

According to MPEP §2132 III, a reference is eligible as prior art under 35 U.S.C. §102(a) if the reference and the application have different inventive entities. In addition, according to MPEP §2136.04, if there is any difference in the inventive entity between an application and a prior art reference, the reference is "by another" and thus is available for a 35 U.S.C. §102(e) rejection.

In this case, Kojima is the publication of the application that issued as Kojima '042. The inventive entity in Kojima and Kojima '042 is the same as the inventive entity in the present application. Both references and the present application list Masahiro Kojima, Masakazu Kawahara, Michiharu Ichikawa, Hiroyuki Kado, and Masatoyo Shibuya as the named inventors.

Thus, neither reference may be relied upon under 35 U.S.C. §102(a) or (e). As such, Kojima and Kojima '042 are not available as prior art under either 35 U.S.C. §102(a) or §102(e) against the present claims because both references and the present application have the exact same inventive entities.

For the foregoing reasons, Applicants submit that Kojima and Kojima '042 are not prior art to the present claims. Reconsideration and withdrawal of these rejections are respectfully requested.

II. Rejoinder

Applicants submit that upon allowance of claim 1, process claim 2 should be rejoined with the application and similarly allowed.

II. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-2 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



James A. Oliff
Registration No. 27,075

Andrew M. Chow
Registration No. 51,559

JAO:AMC/rav

Date: March 3, 2006

OLIFF & BERRIDGE, PLC
P.O. Box 19928
Alexandria, Virginia 22320
Telephone: (703) 836-6400

**DEPOSIT ACCOUNT USE
AUTHORIZATION**

Please grant any extension
necessary for entry;
Charge any fee due to our
Deposit Account No. 15-0461